

Independent Review Panel

Staff Recommendation to the Panel

December 16, 2004

Complaint: A 2003.250

MDPD Case: PC2003-0223

Complainant: NAACP/Dr. Bradford Brown, President Miami-Dade Branch

Accused Party: Miami-Dade Police Department (MDPD), Officer Michael McKinnon, and Officer George Wilhelm

Date Complaint Received: August 8, 2003

Materials Reviewed: Grievance Report Form, correspondence, departmental response, staff notes

Complaint: Dr. Bradford Brown alleges that Officer Michael McKinnon and Officer George Wilhelm overreacted when they charged two boys, ages six and nine, with a felony, instead of a lesser charge.

On August 8, 2003, the IRP received a letter from Dr. Bradford Brown requesting that the IRP initiate an inquiry into the arrests of the two children. According to Dr. Brown, the children were placed in plastic handcuffs and taken to the Juvenile Assessment Center (JAC) for throwing cinder block chunks at Ms. Jenner Machen's front living room window. Dr. Brown recounted the incident and made reference to an article written in the Miami Times, August 13-19, 2003 Edition.

Departmental Response: Memorandum written from Sgt. Jennifer Lombardi dated November 7, 2003.

After reviewing the facts and circumstances, the department found that Officers Mc Kinnon and Wilhelm "did not violate any laws, departmental rules, policies or procedures. Based on the aforementioned information, it is the opinion of the investigator that the incident does not require further investigation by the Professional Compliance Bureau (PCB)."

Both Police Legal Advisor William Lyons of the Police Legal Bureau and Assistant State Attorney Akilan Bain of the State Attorney's Office told Sgt. Lombardi that the subject officers charged the children with the appropriate charge. The State Attorney's office "NO ACTIONED" the case when the victim, Ms. Machen, declined to pursue the charges.

Staff Remarks: On September 15, 2004, IRP staff sent Dr. Brown a letter of notification specifying the completion of MDPD departmental response. In the letter, IRP staff requested a response from Dr. Brown if he was not satisfied. Dr. Brown did not respond.

Staff Findings: There was no evidence provided that supports the allegation of overreaction on the part of the Officers.

Staff Recommendation: No further action.